

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 15033US02

PATENT

In the Application of:) Electronically Filed on August 28, 2008
Jeyhan Karaoguz, et al.)
Serial No.: 10/672,601)
Filed: September 26, 2003)
For: AUTOMATIC ACCESS AND)
CONTROL OF MEDIA)
PERIPHERALS ON A MEDIA)
EXCHANGE NETWORK)
Examiner: BATES, KEVIN T.)
Group Art Unit: 2153)
Confirmation No.: 1971)

APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants respectfully request that the Board of Patent Appeals and Interferences reverse the final rejection of claims 16-49 of the present application. The Appeal Brief is timely because it is being filed with request for a two month extension of time in which to respond. Thus, the period for reply ends on September 21, 2008 (four months from the May 21, 2008 filing date of the Notice of Appeal).

REAL PARTY IN INTEREST
(37 C.F.R. § 41.37(c)(1)(i))

The real party in interest is Broadcom Corporation, having a place of business at 16215 Alton Parkway, Irvine, California 92619.

RELATED APPEALS AND INTERFERENCES
(37 C.F.R. § 41.37(c)(1)(ii))

Not applicable.

STATUS OF THE CLAIMS
(37 C.F.R. § 41.37(c)(1)(iii))

The present application includes claims 16-49. Claims 1-15 were canceled.¹ Claims 16-49 stand rejected.² The Applicants identify claims 16-49 as the claims that are being appealed. The text of the claims involved in this Appeal, namely, claims 16-49, is provided in the Claims Appendix.

STATUS OF AMENDMENTS
(37 C.F.R. § 41.37(c)(1)(iv))

Subsequent to the final rejection of claims 16-47 mailed March 19, 2008, the Applicants filed an Amendment in which claims 16 and 32 were amended, while new claims 48 and 49 were added.³ The claim amendments were subsequently entered.⁴

¹ See July 2, 2007 Amendment.

² See March 19, 2008 Final Office Action, May 14, 2008 Advisory Action and June 20, 2008 Notice of Panel Decision From Pre-Appeal Brief Review.

³ See April 21, 2008 Amendment Under 37 C.F.R. § 1.116.

⁴ See May 14, 2008 Advisory Action.

SUMMARY OF CLAIMED SUBJECT MATTER
(37 C.F.R. § 41.37(c)(1)(v))

Initially, as noted in the specification, "automatic" and "automatically" mean without user intervention.⁵

Independent claim 16 recites the following:

A method for automatically monitoring at least one media peripheral⁶ via a communication network,⁷ the method comprising:

automatically⁸ identifying by a first system,⁹ at a first location, the at least one media peripheral communicatively coupled to one or both of the first system and/or a second system,¹⁰ the second system at a second location;¹¹

automatically¹² establishing a communication link between the first system and the at least one media peripheral;¹³

automatically¹⁴ determining authorization for monitoring of the at least one media peripheral;¹⁵

automatically¹⁶ monitoring, by the first system, at least one status parameter¹⁷ of the at least one media peripheral, if the authorization is successful;¹⁸ and

automatically¹⁹ responding, by the first system, to a state of the at least one status parameter, if the authorization is successful.²⁰

⁵ See present application, e.g., at page 6, lines 6-7.

⁶ See *id.*, e.g., at page 6, lines 4-6 and page 9, line 17 to page 10, line 1.

⁷ See *id.*, e.g., at page 6, lines 2-10 and page 9, lines 1-3.

⁸ See *id.*, e.g., at page 6, lines 6-7.

⁹ See *id.*, e.g., at page 9, lines 8-11, page 16, lines 17-20 and Figure 1, refs. 101 or 102.

¹⁰ See *id.*, e.g., at page 9, lines 8-11, page 16, lines 17-20 and Figure 1, refs. 101 or 102.

¹¹ See *id.*, e.g., at page 9, lines 3-6.

¹² See *id.*, e.g., at page 9, lines 6-8.

¹³ See *id.*, e.g., at page 6, lines 13-15, page 21, line 21 to page 22, line 1 and Figure 2B, ref. 206.

¹⁴ See *id.*, e.g., at page 6, lines 6-7.

¹⁵ See *id.*, e.g., at page 9, lines 8-10.

¹⁶ See *id.*, e.g., at page 6, lines 6-7.

¹⁷ See *id.*, e.g., at page 10, lines 1-6.

¹⁸ See *id.*, e.g., at page 9, lines 10-12, page 22, lines 1-3 and Figure 2B, ref. 207.

¹⁹ See *id.*, e.g., at page 6, lines 6-7.

Dependent claim 21 recites the following:

The method of claim 16 wherein the at least one status parameter comprises a battery level, an "on/off" indication, an amount of storage used, an amount of storage remaining, a "within range" indication, a software version, a model number, a serial number, and a certificate ID.²¹

Dependent claim 30 recites the following:

The method of claim 16 wherein the establishing the communication link is automatically initiated by the first system.²²

Independent claim 32 recites the following:

One or more circuits for a media processing system supporting automatic monitoring of at least one media peripheral²³ via a communication network,²⁴ the one or more circuits comprising:

one or more processors communicatively coupled to the communication network,²⁵ the one or more processors operable to, at least:

automatically²⁶ identify, from a first system²⁷ at a first location, the at least one media peripheral communicatively coupled to one or both of the first system and/or a second system,²⁸ the second system at a second location;²⁹

automatically³⁰ establish a communication link between the first system and the at least one media peripheral;³¹

²⁰ See *id.*, e.g., at page 9, lines 12-14.

²¹ See *id.*, e.g., at page 10, lines 1-6.

²² See *id.*, e.g., at page 10, lines 16-18.

²³ See *id.*, e.g., at page 6, lines 4-6 and page 9, line 17 to page 10, line 1.

²⁴ See *id.*, e.g., at page 6, lines 2-10 and page 9, lines 1-3.

²⁵ See *id.*, e.g., at Figure 1, refs. 101 and 102.

²⁶ See *id.*, e.g., at page 6, lines 6-7.

²⁷ See *id.*, e.g., at page 9, lines 8-11, page 16, lines 17-20 and Figure 1, refs. 101 or 102.

²⁸ See *id.*, e.g., at page 9, lines 8-11, page 16, lines 17-20 and Figure 1, refs. 101 or 102.

²⁹ See *id.*, e.g., at page 9, lines 3-6.

³⁰ See *id.*, e.g., at page 6, lines 6-7.

³¹ See *id.*, e.g., at page 6, lines 13-15, page 21, line 21 to page 22, line 1 and Figure 2B, ref. 206.

automatically³² determine authorization for monitoring of the at least one media peripheral,³³

automatically³⁴ monitor, by the first system, at least one status parameter³⁵ of the at least one media peripheral, if the authorization is successful;³⁶ and

automatically³⁷ respond, by the first system, to a state of the at least one status parameter, if the authorization is successful.³⁸

Dependent claim 37 recites the following:

The one or more circuits of claim 32 wherein the at least one status parameter comprises a battery level, an "on/off" indication, an amount of storage used, an amount of storage remaining, a "within range" indication, a software version, a model number, a serial number, and a certificate ID.³⁹

Dependent claim 47 recites the following:

The one or more circuits of claim 32 wherein the establishing the communication link is automatically initiated by the at least one media peripheral.⁴⁰

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL
(37 C.F.R. § 41.37(c)(1)(vi))

- Claims 16, 19-23, 25, 27, 29-32, 36-39, 41, 43 and 45-49 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. 7,237,029 ("Hino") in view of U.S. 6,446,192 ("Narasimhan").

³² See *id.*, e.g., at page 6, lines 6-7.

³³ See *id.*, e.g., at page 9, lines 8-10.

³⁴ See *id.*, e.g., at page 6, lines 6-7.

³⁵ See *id.*, e.g., at page 10, lines 1-6.

³⁶ See *id.*, e.g., at page 9, lines 10-12, page 22, lines 1-3 and Figure 2B, ref. 207.

³⁷ See *id.*, e.g., at page 6, lines 6-7.

³⁸ See *id.*, e.g., at page 9, lines 12-14.

³⁹ See *id.*, e.g., at page 10, lines 1-6.

⁴⁰ See *id.*, e.g., at page 10, lines 16-18.

- Claims 17-18, 26, 28, 33-34, 42 and 44 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Narasimhan and U.S. 2004/0003051 ("Kryzanowski").
- Claims 24 and 40 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hino in view of Narasimhan and U.S. 6,363,434 ("Etychison"). .

ARGUMENT
(37 C.F.R. § 41.37(c)(1)(vii))

I. The Proposed Combination Of Hino And Narasimhan Does Not Render Claims 16, 19-21, 23, 25, 27, 29-32, 35-37, 39, 41, 43 And 45-49 Unpatentable

The Applicants first turn to the rejection of claims 16, 19-21, 23, 25, 27, 29-32, 35-37, 39, 41, 43 and 45-49 as being rendered unpatentable by Hino and Narasimhan.

As noted in the Manual of Patent Examining Procedure (MPEP):

The legal concept of *prima facie* obviousness is a procedural tool of examination which applies broadly to all arts. It allocates who has the burden of going forward with production of evidence in each step of the examination process.

* * *

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

See MPEP at § 2142.

A. The Office Action Has Not Shown That The Cited References Describe, Teach Or Suggest "Monitoring, By The First System, At Least One Status Parameter Of The At Least One Media Peripheral"

Independent claim 16 recites, in part, "A method for automatically monitoring at least one media peripheral via a communication network, the method comprising...
automatically determining authorization for monitoring of the at least one media peripheral...." Independent claim 32 recites, in part, "One or more circuits for a media processing system supporting automatic monitoring of at least one media peripheral

via a communication network, the one or more circuits comprising: one or more processors communicatively coupled to the communication network, the one or more processors operable to, at least... **automatically determine authorization for monitoring** of the at least one media peripheral."

Hino "relates to a remote control system for controlling home appliances from outside the home and a gateway apparatus used for the remote control system, and in particular, to the system and apparatus capable of controlling the home appliances from outside the home with easier operation." Hino at column 1, lines 7-12. The gateway apparatus "includes means for acquiring appliance panel information indicating panel parts of the appliance and an operational range of the panel parts, and means for memorizing gateway apparatus information indicating whether a control command input to the appliance through a network built outside the home." *Id.* at Abstract. Additionally, the gateway apparatus "further includes means for determining whether or not it is possible to accept the input by making reference to the gateway apparatus information when the control command input is received through the outside network and for producing a control command to the appliance based on the appliance panel information when the acceptance is possible." *Id.* at Abstract. In general, Hino discloses a system that "makes it possible to perform remote control in a similar feeling obtained in operating a front panel of an actual home appliance." *Id.* at Abstract. That is, an operator may control a home appliance remotely.

The Office Action "maps" Hino onto the "identifying" steps of independent claims 16 and 32 as follows:

identifying ([Hino at] Column 8, lines 1-4 by a first system, at a first location (Column 7, lines 1-6, **the control device [60]**), the at least one media peripheral ([Hino at] Column 6, lines 65-67, **the home appliance [31,32]**) communicatively coupled a second system, the second system at a second location ([Hino at] Column 6, lines 41-51, **the gateway (GW) apparatus [10]**)

See March 19, 2008 Office Action at page 2 (emphasis added). Thus, the Office Action cites the "control device 60" of Hino as the "first system," the "GW apparatus 10" of Hino as the "second system," and the "home appliance 31 or 32" of Hino as the media

peripheral.

Hino discloses, however, the following:

The control device 60 is made up of a device capable of directly inputting control commands to the GW apparatus 10, which is for example a console (operation panel) or a remote control unit of or for the GW apparatus 10. A keyboard of the GW apparatus can be used as the control device 60.

Hino at column 7, lines 1-6 (emphasis added). See also *id.* at Figures 1 and 10 clearly indicating reference numeral 60 as "input." Thus, the "control device 60" is merely an input device, such as a "keyboard of the GW apparatus 10." See *id.* However, while an input device, such as the control device 60, is operable to allow a user to input commands into a system, an input device, such as the control device, is incapable of monitoring such system.

Claim 1, for example, recites "monitoring, by the first system, at least one status parameter of the at least one media peripheral, if the authorization is successful." Using the components from Hino relied on by the Office Action, this claim would read "monitoring, by the control device 60, at least one status parameter of the home appliance 31, 32, if the authorization is successful. However, as noted above, the control device 60 is merely an input device used by an operator to input commands to the GW apparatus. The control device 60, such as a keyboard, however, is incapable of monitoring, automatically or not, a status parameter of the home appliance 31 or 32. Thus, the Office Action has not shown that the cited references describe, teach or suggest "monitoring, by the first system, at least one status parameter of the at least one media peripheral, if the authorization is successful," as recited in claim 1, or a processor operable to "monitor, by the first system, at least one status parameter of the at least one media peripheral, if the authorization is successful," as recited in claim 32. Thus, for at least these reasons, the Applicants respectfully request reconsideration of the rejection of claims 16, 19-21, 23, 25, 27, 29-32, 35-37, 39, 41, 43 and 45-49 as being rendered unpatentable by Hino and Narasimhan.

B. The Office Action Has Not Established That The Proposed Combination Of Hino And Narasimhan Describes, Teaches Or Suggests Various Automatic Limitations Of The Claims

The Applicants previously demonstrated that Hino does not describe, teach or suggest the following limitations that are recited in independent claim 16:

- A method for automatically monitoring at least one media peripheral via a communication network;
- automatically establishing a communication link between a first system and at least one media peripheral;
- automatically determining authorization for monitoring of the at least one media peripheral; and
- automatically monitoring, by the first system, at least one status parameter of the at least one media peripheral, if the authorization is successful.

See October 22, 2007 Amendment.

Similarly, Hino does not describe, teach or suggest the following limitations that are recited in independent claim 32:

- One or more circuits for a media processing system supporting automatic monitoring of at least one media peripheral via a communication network, the one or more circuit comprising: one or more processor communicatively coupled to the communication network, the one or more processor operable to, at least:
- automatically establish a communication link between the first system and the at least one media peripheral;
- automatically determine authorization for monitoring of the at least one media peripheral; and
- automatically monitor, by the first system, at least one status parameter of the at least one media peripheral, if the authorization is successful.

The final Office Action acknowledges that "Hino does not explicitly indicate automating the connection to the peripheral." See March 19, 2008 Office Action at page 3. Indeed, the final Office Action does not indicate that Hino describes, teaches

or suggests any "automatic" steps. See *id.* (note that each listed limitation in the final Office Action fails to include "automatic" or "automatically").

The final Office Action does not show that Hino describes, teaches or suggests the various automated limitations noted above. See *id.* In order to overcome the deficiencies noted above, the Office Action cites Narasimhan at column 5, lines 46-55. See *id.*

The cited portion of Narasimhan recites, however, the following:

A web browser or Java virtual machine (JVM) is not required, however, for the client 30 to access a device 34. The present system supports use of additional standard internet capabilities and protocols. Therefore, custom client software can access the equipment directly using standard "sockets." Such software can be developed using conventional programming tools, e.g., BSD Sockets (Unix) or Winsock (Windows). The client 30 also could be an automated application program that collects data from remote devices 34 via the Internet 32. In this way a single client could collect usage data and control thousands of remote devices.

Narasimhan at column 5, lines 46-56. As shown above, this portion of Narasimhan states that the client 30, which is connected to the network, can be an "automated application program that collects data from remote devices 34 via the Internet 32." Thus, a single client could collect usage data, through the automated program, and control thousands of remote devices. **While this portion of Narasimhan merely indicates that usage data may seemingly be automatically collected, it does not describe, teach or suggest, however, at least:**

- **automatically establishing a communication link between a first system and at least one media peripheral;**
- **automatically determining authorization for monitoring of the at least one media peripheral; and**
- **automatically monitoring, by the first system, at least one status parameter of the at least one media peripheral, if the authorization is successful.**

Again, the portion of Narasimhan relied on by the Office Action noted above merely

suggests that the client may automatically collect usage data of a remote device, and through that automatically collected data, may control the remote device. It does not describe, teach or suggest, however, "automatically establishing a communication link," "automatically determining authorization for monitoring" and/or "automatically monitoring at least one status parameter of the at least one media peripheral, if the authorization is successful."

Narasimhan broadly states that the "network interface chip manages connections from remote clients automatically, requiring no intervention from the device control circuitry" (*see id.* at column 11, lines 21-23), **but "managing" a connection is not the same as "automatically establishing a connection," "automatically determining authorization," or "automatically monitoring" if the authorization is successful.**

Narasimhan also discloses that the "network interface chip can be configured to automatically open a client or server socket upon power-up." *See id.* at column 18, lines 31-33. While a client or server socket may be automatically opened, the Applicants respectfully submit that this does not equate to automatically establishing a **communication link between a first system and at least one media peripheral.**"

As noted above, Hino does not describe, teach or suggest the various automated steps recited in the claims. The final Office Action acknowledges as much. *See* March 19, 2008 Office Action at page 3. Further, the portion of Narasimhan that the Office Action relies on also does not describe, teach or suggest these limitations. Even if one were to assume that Narasimhan discloses "a program that automatically connects to the controlled devices and receives status information to monitor these devices," as asserted by the final Office Action at page 4 (but which the Applicants do not assume), the Office Action has not shown that either of the cited references describes, teaches or suggests "**automatically determining authorization**" to monitor a media peripheral and "**automatically monitoring**" at least one status parameter of the media peripheral if the authorization is successful. Thus, for at least these reasons, the Applicants respectfully request reconsideration of the rejection of claims 16, 19-21, 23, 25, 27, 29-32, 35-37, 39, 41, 43 and 45-49 as being rendered unpatentable by Hino and Narasimhan.

Nevertheless, the final Office Action also states the following:

Hino discloses the steps of establishing a communication link, determining authorization, monitoring, responding. (see the mapping in the rejection).

See March 19, 2008 Office Action at page 8. As noted above, however, the final Office Action also acknowledges that "Hino does not explicitly indicate automating the connection to the peripheral." *See id.* at page 3 (emphasis added). As detailed above, Hino does not describe, teach or suggest the various automated limitations of the pending claims.

The final Office Action goes on to state, however, the following:

Narasimhan is only relied upon to show that there is a benefit into automating the steps of monitoring a device through the network. Narasimhan teaches that instead of having a user initiate all the listed steps, than an [sic] proxy agent located on the client computer can be programmed to automatically access remote peripheral devices and perform monitoring (**Column 5, lines 14-20; lines 53-62**).

See id. at pages 8-9 (emphasis added).

Note, however, that the Office Action cites Narasimhan at column 5, lines 46-55. *See id.* at page 3. As demonstrated above, this cited portion of Narasimhan states that the client 30, which is connected to the network, can be an "automated application program that collects data from remote devices 34 via the Internet 32." Thus, a single client could collect usage data, through the automated program, and control thousands of remote devices. While this cited portion of Narasimhan merely indicates that usage data may seemingly be automatically collected, it does not describe, teach or suggest, however, at least:

- automatically establishing a **communication link** between a first system and at least one media peripheral;
- automatically determining **authorization for monitoring** of the at least one media peripheral; and
- automatically **monitoring**, by the first system, at least one status parameter of the at least one media peripheral, if the authorization is successful.

However, in addition to citing Narasimhan at column 5, lines 46-55, the Office Action also cites Narasimhan at column 5, lines 14-20 and column 5, lines 55-62, as shown above. See *id.* at pages 8-9. Thus, the Applicants will address each of these additional cited portions.

First, Narasimhan at column 5, lines 14-20 states the following:

Clients 30 connected to the network 32 are able to monitor and control the devices 22 via direct connections over the network 32. The devices 34 can be selected from a wide variety of device types, from very expensive large scale industrial equipment to inexpensive small scale consumer electronic devices. Different device types will often have different types of device control circuitry. 38.

This portion of Narasimhan merely discloses that clients 30 are able to monitor and control devices 22 via direct connections over the network 32. **It is completely silent, however, with respect to the following:**

- automatically establishing a **communication link** between a first system and at least one media peripheral;
- automatically determining authorization for monitoring of the at least one media peripheral; and
- automatically monitoring, by the first system, at least one status parameter of the at least one media peripheral, if the authorization is successful.

Next, Narasimhan at column 5, lines 55-62 states the following:

In this way a single client could collect usage data and control thousands of remote devices. The data collected by such a client could be used to generate usage and maintenance reports. The client software in this case could be written in Java or C/C++ using libraries, and it could bridge to other applications such as databases and diagnostic software to provide powerful services based on device control and monitoring functions.

This portion of Narasimhan merely discloses that a client can collect usage data and control remote devices. Again, however, **it simply does not describe, teach or suggest the following:**

- **automatically** establishing a **communication link** between a first system and at least one media peripheral;
- **automatically determining authorization for monitoring** of the at least one media peripheral; and
- **automatically monitoring**, by the first system, at least one status parameter of the at least one media peripheral, if the authorization is successful.

At best, the portions of Narasimhan relied on by the Office Action merely disclose that a "client 30 also could be an automated application program that collects data from remote devices 34 via the Internet 32." *Id.* at column 5, lines 53-55.

As discussed above, even the Office Action acknowledges that Hino fails to describe, teach or suggest the automated limitations noted above. Further, Narasimhan discloses an automated application program that collects data from remote devices. Taken together, the combination of Hino and Narasimhan discloses various **non-automated** steps, and a step of automatic collection of data from remote devices. The Office Action has not shown, however, where any cited reference describes, teaches or suggests at least the following:

- **automatically** establishing a **communication link** between a first system and at least one media peripheral;
- **automatically determining authorization for monitoring** of the at least one media peripheral; and
- **automatically monitoring**, by the first system, at least one status parameter of the at least one media peripheral, if the authorization is successful.

Thus, for at least these reasons, the Office Action has not established a *prima facie* case of obviousness with respect to claims 16, 19-21, 23, 25, 27, 29-32, 35-37, 39, 41, 43 and 45-47. As such, the Applicants respectfully request that the rejection of these claims be reconsidered and withdrawn.

II. The Office Action Has Not Established A *Prima Facie* Case Of Obviousness With Respect To Claims 21 And 37

Claims 21 and 37 recite, in part, "wherein the at least one status parameter comprises a battery level, an "on/off" indication, an amount of storage used, an amount of storage remaining, a "within range" indication, a software version, a model number, a serial number, and a certificate ID." Thus, the claims are clear that the at least one status parameter comprises (1) a battery level, (2) an "on/off" indication, (3) an amount of storage used, (4) an amount of storage remaining, (5) a "within range" indication, (6) a software version, (7) a model number, (8) a serial number, and (9) a certificate ID.

The Office Action cites Hino at column 9, lines 17-18 as disclosing these limitations. This portion of Hino, however, discloses the following:

... a command is issued to control the operation of air conditioners, the turning lighting fixtures on or off, the open/close of doors, and others.

Hino at column 9, lines 16-18. While this portion of Hino discloses that lighting fixtures may be turned on/off, it does not describe, teach or suggest at least one status parameter that includes each of (1) a battery level, (2) an "on/off" indication, (3) an amount of storage used, (4) an amount of storage remaining, (5) a "within range" indication, (6) a software version, (7) a model number, (8) a serial number, and (9) a certificate ID. Thus, for at least this additional reason, the Office Action has failed to establish a *prima facie* case of obviousness with respect to claims 21 and 37.

III. The Office Action Has Not Established A *Prima Facie* Case Of Obviousness With Respect To Claims 30 And 46

Claims 30 and 46 recite, in part, "wherein the establishing the communication link is automatically initiated by the first system." As noted above, the Office Action relies on the "control device 60" of Hino as the "first system." See March 19, 2008 Office Action at page 2. The "control device 60," however is merely an "input." See Hino at column 7, lines 1-6 and Figures 1 and 10. Indeed, the "control device 60" is merely an input device, such as a "keyboard of the GW apparatus 10." See *id.* However, while an input device, such as the control device 60, is operable to allow a

user to input commands into a system, an input device, such as the control device, is incapable of automatically initiating an establishment of a communication link. Thus, for at least this additional reason, the Office Action has failed to establish a *prima facie* case of obviousness with respect to claims 30 and 46.

IV. The Proposed Combination Of Hino, Narasimhan And Krzyzanowski Does Not Render Claims 17-18, 26, 28, 33-34, 42 And 44 Unpatentable

The Applicants respectfully submit that the proposed combination of Hino in view of Narasimhan and Krzyzanowski does not render claims 17-18, 26, 28, 33-34, 42 and 44 unpatentable for at least the reasons discussed above.

V. The Proposed Combination Of Hino, Narasimhan And Eytchison Does Not Render Claims 24 And 40 Unpatentable

The Applicants respectfully submit that the proposed combination of Hino in view of Narasimhan and Eytchison does not render claims 24 and 40 unpatentable for at least the reasons discussed above.

VI. CONCLUSION

For at least the reasons discussed above, the Applicants respectfully submit that the pending claims are allowable in all respects. Therefore, the Board is respectfully requested to reverse the rejections of pending claims 16-49.

PAYMENT OF FEES

The Commissioner is authorized to charge any necessary fees, including the \$510 fee for this Appeal Brief and the \$460 fee for the 2 month extension of time in which to respond, or credit overpayment to Deposit Account 13-0017.

Respectfully submitted,

Dated: August 28, 2008

/Joseph M. Butscher/
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CLAIMS APPENDIX

(37 C.F.R. § 41.37(c)(1)(viii))

Claim 16. A method for automatically monitoring at least one media peripheral via a communication network, the method comprising:

automatically identifying by a first system, at a first location, the at least one media peripheral communicatively coupled to one or both of the first system and/or a second system, the second system at a second location;

automatically establishing a communication link between the first system and the at least one media peripheral;

automatically determining authorization for monitoring of the at least one media peripheral;

automatically monitoring, by the first system, at least one status parameter of the at least one media peripheral, if the authorization is successful; and

automatically responding, by the first system, to a state of the at least one status parameter, if the authorization is successful.

Claim 17. The method of claim 16 wherein the at least one media peripheral comprises one of a digital camera, a personal computer, a digital camcorder, a MP3 player, a mobile multi-media gateway, a home juke-box, and a personal digital assistant.

Claim 18. The method of claim 16 wherein the at least one media peripheral comprises a processor running at least one of media capture software and media player software.

Claim 19. The method of claim 16 wherein the communication link is established via a wired connection.

Claim 20. The method of claim 16 wherein the communication link is established via a wireless connection.

Claim 21. The method of claim 16 wherein the at least one status parameter comprises a battery level, an "on/off" indication, an amount of storage used, an amount of storage remaining, a "within range" indication, a software version, a model number, a serial number, and a certificate ID.

Claim 22. The method of claim 16 wherein the at least one media peripheral is co-located with respect to the first system.

Claim 23. The method of claim 16 wherein the at least one media peripheral is co-located with respect to the second system.

Claim 24. The method of claim 16 wherein at least one of the first system and the second system comprises a set-top-box based media processing system.

Claim 25. The method of claim 16 wherein at least one of the first system and the second system comprises a personal computer based media processing system.

Claim 26. The method of claim 16 wherein at least one of the first system and the second system comprises a television based media processing system.

Claim 27. The method of claim 16 wherein the establishing, the monitoring, and the responding are accomplished periodically over time.

Claim 28. The method of claim 16 wherein the establishing, the monitoring, and the responding are accomplished at one or more pre-designated times.

Claim 29. The method of claim 16 wherein the responding comprises at least one of storing the state of the at least one status parameter and displaying the state of the at least one status parameter.

Claim 30. The method of claim 16 wherein the establishing the communication link is automatically initiated by the first system.

Claim 31. The method of claim 16 wherein the establishing the communication link is automatically initiated by the at least one media peripheral.

Claim 32. One or more circuits for a media processing system supporting automatic monitoring of at least one media peripheral via a communication network, the one or more circuits comprising:

one or more processors communicatively coupled to the communication network, the one or more processors operable to, at least:

automatically identify, from a first system at a first location, the at least one media peripheral communicatively coupled to one or both of the first system and/or a second system, the second system at a second location;

automatically establish a communication link between the first system and the at least one media peripheral;

automatically determine authorization for monitoring of the at least one media peripheral;

automatically monitor, by the first system, at least one status parameter of the at least one media peripheral, if the authorization is successful; and

automatically respond, by the first system, to a state of the at least one status parameter, if the authorization is successful.

Claim 33. The one or more circuits of claim 32 wherein the at least one media peripheral comprises one of a digital camera, a personal computer, a digital camcorder, a MP3 player, a mobile multi-media gateway, a home juke-box, and a personal digital assistant.

Claim 34. The one or more circuits of claim 32 wherein the at least one media peripheral comprises a processor running at least one of media capture software and media player software.

Claim 35. The one or more circuits of claim 32 wherein the communication link is established via a wired connection.

Claim 36. The one or more circuits of claim 32 wherein the communication link is established via a wireless connection.

Claim 37. The one or more circuits of claim 32 wherein the at least one status parameter comprises a battery level, an "on/off" indication, an amount of storage used, an amount of storage remaining, a "within range" indication, a software version, a model number, a serial number, and a certificate ID.

Claim 38. The one or more circuits of claim 32 wherein the at least one media peripheral is co-located with respect to the first system.

Claim 39. The one or more circuits of claim 32 wherein the at least one media peripheral is co-located with respect to the second system.

Claim 40. The one or more circuits of claim 32 wherein at least one of the first system and the second system comprises a set-top-box based media processing system.

Claim 41. The one or more circuits of claim 32 wherein at least one of the first system and the second system comprises a personal computer based media processing system.

Claim 42. The one or more circuits of claim 32 wherein at least one of the first system and the second system comprises a television based media processing system.

Claim 43. The one or more circuits of claim 32 wherein the establishing, the monitoring, and the responding are accomplished periodically over time.

Claim 44. The one or more circuits of claim 32 wherein the establishing, the monitoring, and the responding are accomplished at one or more pre-designated times.

Claim 45. The one or more circuits of claim 32 wherein the responding comprises at least one of storing the state of the at least one status parameter and displaying the state of the at least one status parameter.

Claim 46. The one or more circuits of claim 32 wherein the establishing the communication link is automatically initiated by the first system.

Claim 47. The one or more circuits of claim 32 wherein the establishing the communication link is automatically initiated by the at least one media peripheral.

Claim 48. The method of claim 16, comprising automatically not monitoring and not responding to a state of the at least one status parameter, if the authorization is not successful.

Claim 49. The one or more circuits of claim 32, wherein the one or more processors are operable to automatically not monitor and not respond to a state of the at least one status parameter, if the authorization is not successful.

EVIDENCE APPENDIX
(37 C.F.R. § 41.37(c)(1)(ix))

- (1) United States Patent No. 7,237,029 ("Hino"), entered into record by Examiner in July 25, 2007 Office Action.
- (2) United States Patent Application Publication No. 2004/0003051 ("Krzyzanowski"), entered into record by Examiner in July 25, 2007 Office Action.
- (3) United States Patent No. 6,363,434 ("Eytchison"), entered into record by Examiner in July 25, 2007 Office Action.
- (4) United States Patent No. 6,446,192 ("Narasimhan"), entered into record by Examiner in January 31, 2008 Office Action.

RELATED PROCEEDINGS APPENDIX
(37 C.F.R. § 41.37(c)(1)(x))

Not applicable.